

# EXHIBIT 5

AFFIDAVIT OF GMAC  
(CREDITOR)

U.S. BANKRUPTCY COURT  
FOR S.D. OF OHIO

CASE NO. 05-BK-75111

FILED JAN. 27, 2006

B0508359

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In Re: ) CASE NO. 05-75111  
Yvonne Lewis ) CHAPTER 7  
Debtor ) JUDGE HOFFMAN  
(1875 Alvason Ave, Columbus)

AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF FROM STAY

State of PENNSYLVANIA

County of PHILADELPHIA

I, JOHN TIMSON, being duly cautioned and sworn state as follows:

1. I am an employee of GMAC Mortgage Corporation, its successors and assigns, ("Creditor"), a creditor in the within bankruptcy. I am authorized to give this affidavit. The information contained in this affidavit is based upon my personal knowledge or based upon the Creditor's business records. These business records are kept in the normal course of business and the Creditor relies upon them in the conduct of its business. The information contained in these records was created at or near the events described therein. I am a custodian of those records.
2. Creditor holds the note and mortgage relating to debtor's real property referenced above. At the request of my attorney, I have reviewed those records and concluded that Debtor is currently due for the 2/1/05 payment. The last payment received from the debtor was on 2/10/05

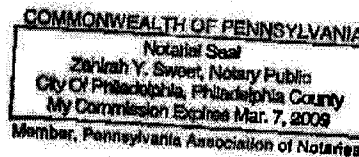
Ex. 5

in the amount of \$ 312.98 and it was applied to the 1/1/05 payment. . The funds being held in suspense are \*0.00. The total amount to reinstate the loan contractually is \$10,968.28. The total amount to payoff this loan good through February 6, 2006, is \$62,322.38.

FURTHER AFFIANT SAYETH NAUGHT.

John Timson  
Sworn to and subscribed in my presence this 26<sup>th</sup> day of January, 2006.

Zahrah Y. Sweet  
NOTARY PUBLIC



EX. 5

### **CERTIFICATE OF SERVICE**

A copy of the foregoing Affidavit in Support of Motion for Relief from the Automatic Stay was served by regular U.S. Mail and/or electronically as permitted by the rules, this 27th day of January, 2006, upon the following parties at the addresses stated below.

Yvonne Lewis  
1875 Alvason Ave  
Columbus, OH 43219

Sidney Lewis  
1875 Alvason Ave  
Columbus, OH 43219

Clyde C. Hardesty, III, Trustee  
P.O. Box 731  
Newark, OH 43058-0731

Office of the U.S. Trustee  
The Schaff Building  
170 North High Street, Suite 200  
Columbus, OH 43215

/S/ Andrew A. Paisley  
Attorney for Movant

Ex. 5